



**"The City With a Heart"**

Larry Franzella, Mayor  
Rico Medina, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O'Connell, Councilmember  
Jim Ruane, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

**January 10, 2006, 7:00 pm**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on January 10, 2006 at the San Bruno Senior Center, 1555 Crystal Springs Road and the meeting was called to order at 7:00 p.m.

**Mayor Franzella** thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

**1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers, Medina, Ruane, Ibarra and O'Connell in attendance. Recording by City Clerk Bonner.

**PLEDGE OF ALLEGIANCE:** Led by Fire Chief Dan Voreyer.

#### **ANNOUNCEMENTS:**

**Mayor Franzella** asked **Councilmember O'Connell** be excused from the meeting at 8:00 for a family obligation.

#### **PRESENTATIONS:**

Receive presentation on the installation and dedication of the San Bruno Rotary Centennial Clock. A brief slide presentation was shown with **Mario Puccinelli** of The San Bruno Rotary making a few remarks and Mayor Franzella unveiling the new San Bruno Rotary Centennial Clock which is placed in front of Citibank at 475 San Mateo Avenue, San Bruno.

#### **2. REVIEW OF AGENDA:**

**Mayor Franzella** asked to Pull Item 4f. and 4i. on the Consent Calendar and move those under Item 9, Staff Reports. 9a. and 9d. should have been on the Consent Calendar but they will stay where they are because there is no staff report. Move Item 12 to follow the Public Hearings on Item 5. Item 5b., the Public Hearing regarding the Treetops will not take place this evening because of improper noticing. The meeting has been postponed until the 24<sup>th</sup> of January. Anyone wishing to speak this evening, is welcome; however, there will be no deliberation by Council nor staff reports.

#### **3. APPROVAL OF MINUTES:**

Regular City Council meeting of December 13, 2005, approved as submitted.

#### **4. CONSENT CALENDAR:**

- a. **Approve:** Payroll of December 16 and 30, 2005.
- b. **Approve:** Accounts Payable of November 14, 21 and 28.
- c. **Accept:** Reconciliation of General Ledger to bank reports and the Investment reports dated November 30, 2005 as submitted by City Treasurer Linda Freitas.

- d. **Approve:** Out-of-state travel for CATV Director and System Engineer to attend the National Cable Television Cooperative Winter Education Conference in Albuquerque, NM, January 30 & 31, 2006.
- e. **Accept:** Resignation of Personnel Board Member Keith A. Young and direct City Clerk to post “Notice of Vacancy” as required by Gov’t Code Section 54974.
- f. **Adopt:** Resolution Authorizing the City Manager to Execute a Contract with Pump Repair Service Company for the Well 15 and Well 18 Pump and Motor Installation Project in the amount of \$155,070 and authorizing a total construction budget in the amount of \$178,331. **(moved to Staff Reports).**
- g. Waive second reading and adopt Ordinance No. 1709 repealing Section 11.06.010 (Adoption of the California Energy Code, 2001 Edition) and adding new Section 11.06.010 (Adoption of the California Energy Code, 2005 Edition) to Title 11 (Buildings, Construction and Fire Protection), Chapter 11.06 (Energy Code of the San Bruno Municipal Code).
- h. Waive second reading and adopt Ordinance No. 1710 repealing Chapter 11.16 (Electrical Code) and adding new Chapter 11.16 (Electrical Code) to Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code.
- i. **Adopt:** Resolution of the City Council of San Bruno specifying official functions and other expenses for which reimbursement of costs is authorized **(moved to Staff Reports).**

**Councilmember Ibarra** asked to pull Item 4.e. for discussion. **M/S Ruane/Ibarra** to approve the remainder of the consent items and passed with a unanimous vote.

**Councilmember Ibarra** thanked Personnel Board Member Keith Young for the service he has provided on the Personnel Board over the last few years. **M/S Ibarra/Medina** to approve Item 4.e. and passed unanimously.

## 5. PUBLIC HEARINGS:

- a. Hold Public Hearing, waive first reading and introduce an Ordinance adding a new Chapter 12.220 (Wireless Telecommunications Facilities) Title 12 (Land Use) of the San Bruno Municipal Code.

**City Attorney Thompson** orally reviewed the staff report and asked if there were any questions.

**Councilmember Ibarra** asked if the Community Development Director could list other options which may be more intrusive, but less intrusive in proximity to residences?

**City Attorney Thompson** said any facilities in a residential area would come under the Planning Commission.

**Councilmember Ibarra** asked if there was any way the applicant can be conditioned to provide all the options/placements?

**City Attorney Thompson** replied under the “Cumulative Impact Analysis” there are a number of requirements the applicant must fulfill; one of those requirements is to indicate where other facilities are, indicate what their location opportunities are, to look at the impacts of the facility not only as to location

but with respect to where adjacent facilities are existing or proposed facilities may be located in the near future. This is a requirement of the application process.

**Mayor Franzella** opened the Public Hearing; however, no one wished to address the Council.

**M/S Medina/Ibarra** to close Public Hearing and passed by a unanimous vote.

**Councilmember O’Connell** commended City Attorney Thompson for her wording of the report.

**M/S O’Connell** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Hold Public Hearing to consider a request for a General Plan Amendment to change the current designation from Medium Density Residential to High Density Residential at 40 dwelling units per acre, a rezoning request to change the current zoning from Medium Planned Development (P-D) to High Density Planned Development (P-D), and a Planned Development Permit to allow the demolition of the existing 308 apartment units and the development of 520 new apartment units, per Chapter 12 of the San Bruno Municipal Code. OP Property Management (Applicant/Owner). GPA-05-01, ZC-05-01, PDP-05-02.

**Mayor Franzella** said there would be no discussion from Council or report from Staff; it will come forward on January 24<sup>th</sup>. He asked if there was any one who wished to speak on the subject.

**Sharon Wofford**, Susan Dr., expressed her opposition to Treetops because she had concerns over speeding cars, parking for residents, garbage and adequate parking for Treetops residents.

**Marsha Ramirez**, Elston Dr., said the Treetops complex is an eye sore and has always been an eyesore. She said there were broken promises as to landscaping and access. Since Treetops did not do what they promised the first time, why should they be rewarded a second time? She was in opposition to expansion, retaining walls facing Elston, decrease in parking requirements and a change in residential density requirements.

**Joanna Dunn**, Coronado Way, said she felt AIMCO has been acting as a giant enterprise to over-role the City Planning and Council. She also asked the road connecting Susan and Highland Drives be kept open.

**Alan Lubke**, Fleetwood Drive, said the intersection of Skyline Blvd. and Sharp Park Blvd. is a disgrace and a hazard. He said nothing should be done with the development until the traffic is fixed.

**John Bendick**, Pacific Heights, said the proposed development is going to double the density and cause additional congestion by going from medium density to high density. He said we made a mistake with Shelter Creek Condos and we shouldn’t make the same mistake with Treetops.

**Patrick Kenyon**, Summit Road, had concerns about the traffic and the unsightly cyclone fence, debris, torn-off doors and lack of maintenance. He felt the bottom line was the “dollar.”

**Mayor Franzella** closed the Public Hearing to be continued on January 24<sup>th</sup> with a full Public Hearing, full staff report and Council will deliberate at that time.

- c. Hold Public Hearing and waive first reading of an ordinance amending Section 4.36.040

(License Restrictions) Chapter 4.36 (Gambling Clubs) Title 4 (Licenses and Regulations) of the San Bruno Municipal Code Regarding Limits on the Number of Permitted Gambling Tables.

**Finance Director O’Leary** orally reviewed the minor word changes within the Gambling Club Ordinance for the City, which shows the reduction of the number of approved tables authorized to operate in the City from 120 (shown currently) to 60. Artichoke Joe’s has never operated up to the 60 levels; hence, there is no adverse or positive impact. The other is a change in the citation for the Gambling Control Act for the State.

**Mayor Franzella** opened the Public Hearing; however, no one wished to address the Council.

**Ibarra M/S Ruane** to close Public Hearing and passed by a unanimous vote.

**M/S Ruane/Ibarra** to waive the first reading and passed by a unanimous vote.

**Councilmember Ruane** introduced the ordinance for adoption with a roll call vote of all ayes.

- d. Hold Public Hearing and adopt resolution approving request for Citizen’s Option for Public Safety Funds for Fiscal Year 2005-06 in the amount of \$100,000.

**Chief Violett** said San Bruno has been very fortunate to staff the position for the past five years without affect on the General Fund. He asked, under Public Hearing, if anyone from the public had any suggestions for other use of those funds.

**Mayor Franzella** opened the Public Hearing; however, no one wished to address the Council.

**Medina M/S Ibarra** to close Public Hearing and passed by a unanimous vote.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all ayes.

## **12. Bicycle & Pedestrian Report (moved to follow Item 5)**

**Walt Bird and Dave Nigel** joined **Greg Pierce** from the **Bicycle and Pedestrian Committee**. He thanked staff for their help. He said they have set their goals for 2006 and their most important goal was “public awareness” and learning the grant process to seek more funds to implement some of the ideas the Committee has. He said a special thank you to Bruce Moore of the Bicycle Shop for his sponsorship.

## **6. UNFINISHED BUSINESS: None**

## **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT: None**

## **8. COMMUNICATIONS: None**

## **9. STAFF REPORTS:**

- a. Adopt resolution authorizing the acceptance of the Whitman Way/Shelter Creek Storm Drain Repairs Project and the filing of a Notice of Completion with the San Mateo County Recorder.

**Councilmember O' Connell** introduced the resolution for adoption and passed by a unanimous vote.

- b. Adopt resolution adopting the Disadvantaged Business Enterprise Program for Federally Funded Roadway Projects and the Annual Overall Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2005-2006.

**Deputy Director Buck** recommended the adoption of a 28% goal for this fiscal year.

**Councilmember Ruane** introduced the resolution for adoption and passed by a unanimous vote.

- c. Adopt resolution authorizing the transfer of a grant application for California Public Utility Commission funding for the proposed San Bruno grade separation from the Peninsula Corridor Joint Powers Board to the City of San Bruno.

**Public Works Director Munns** introduced the resolution and briefly outlined the details of the staff report. He said he had received an email stating the preliminary rankings were out for the Statewide list for the next two years and the San Bruno grade separation ranks eighth in funding in their scoring. It makes it very encouraging to obtain the grant funds.

**Councilmember Ruane** announced the next CAC meeting is this month, the 26<sup>th</sup> of January; 6:00 pm at City Hall, San Bruno and the public is welcome to attend.

**Councilmember Ruane** introduced the resolution for adoption and passed by a unanimous vote.

- d. Adopt resolution authorizing the acceptance of the Commodore Park Dog Exercise Fence Project and filing a Notice of Completion with the San Mateo County Recorder.

**Councilmember Ibarra** requested Director Mazucca make a brief presentation on the area.

**Recreation Director Mazucca** said the new park has approximately 700 linear feet and is located at the lower end of the park. The fence is six feet high and there is an interior fence of four feet with five access gates. This is the preliminary dog park with more improvements to come during the next year. There are interior benches for the dog owners, water access for the dogs as well as the patrons, a public restroom and handicapped access adjacent to the dog park.

**Scott Buschman**, Claremont Drive, as a dog owner and on behalf of other dog owners, thanked San Bruno for providing the dog park.

**Councilmember Ibarra** introduced the resolution for adoption and passed by a unanimous vote.

- 4. f. **Adopt:** Resolution authorizing the City Manager to execute a contract with Pump Repair Service Company for the Well 15 and Well 18 Pump and Motor Installation Project in the amount of \$155,070 and authorizing a total construction budget in the amount of \$178,331. (moved from Consent Calendar).

**Public Works Director Munns** explained this was the third phase in a series of projects to restore Wells 15 and 18 to operation. The history is identified in the staff report. He said the payback for the

investment being made is 18 to 21 months at the project production. Over the next five years it is projected the City will save approximately half a million dollars over the price of purchased water.

**Councilmember O’Connell** introduced the resolution for adoption with a roll call vote of all ayes.

- 4. i. Adopt:** Resolution of the City Council of San Bruno specifying official functions and other expenses for which reimbursement of costs is authorized (**moved to Staff Reports**).

**City Attorney Thompson** said a new law came into effect January 1st requiring a governing body adopt a written policy in a public meeting specifying the types of occurrences that qualifies those members of the legislative body to receive reimbursement for travel, meetings, lodging, etc. Those individuals will also be required to get two hours of ethics training every two years. Incorporated in the resolution are the types of events the City Council should consider where attendance at such meetings or events are reasonably incurred in the performance of the official’s duties.

She also recommended the language be changed to add the designated City Officials of City Treasurer and City Clerk. She also named several organizations, which should be included.

**Mayor Franzella** asked if this is an authorization, is it necessary to still budget for the resolution?

**City Attorney Thompson** responded the limitations would be according to each department’s budget.

**Councilmember Ibarra** asked if these were the expenses incurred personally; not necessarily the lodging or things taken care of by management.

**City Attorney Thompson** clarified it had to do with any expense incurred in the course of the performance of one’s official duties. Whether the City has arranged for it on its own, or the fees have been paid out-of-pocket, it cannot be paid unless it has been designated as a prequalifying type of function and expense. If the organization is not on the list, before attending an event, the public official must have the event on the agenda to have it approved. After the fact, there will be no reimbursement.

**Councilmember Ibarra** asked if there was additional paperwork and City Attorney Thompson responded that Finance would be developing those forms.

**Mayor Franzella** asked City Attorney Thompson to go over the ethics training.

**City Attorney Thompson** said every member of the City Council and any other legislative body (probably would include the Planning Commission, City Clerk and Treasurer) would have to get two hours of ethics training by the end of this year and every two years thereafter.

**Mayor Franzella** asked if this pertained to all management staff throughout California?

**City Attorney Thompson** said it was beyond municipal government. It has to be given by an approved provider, approved by the Attorney General and their office and it must meet the AB1234 requirement.

**Councilmember Medina** asked if it would be appropriate to add to the list of groups our school system, the San Bruno Park School District, Capuchino High School and Skyline College to the list.

**City Attorney Thompson** responded yes. She also added the sexual harassment training corporations normally receive will not cover the topic.

**Councilmember Ruane** introduced the resolution for adoption with all of the recommended additions with a roll call vote of all ayes.

**10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

**11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Alan Lubke**, Fleetwood Dr. expressed his feelings of pleasure over the signage pointing to BART being corrected.

**12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**Bicycle & Pedestrian Committee** Annual Oral Report to the City Council moved to follow Item 5.d.

**13. NEW BUSINESS:**

The City Council will adjourn to Closed Session to discuss the following:

- a. The City Manager as City's Labor Negotiator requests a Closed Session pursuant to (Gov't Code Section 54957.6) regarding benefits for all City bargaining units.
- b. Conference with Legal Counsel regarding existing litigation in City of San Bruno v Equilon Enterprises, et al., Superior Court Case (San Mateo County) No. Civ 442601 (acquisition of property relating to street widening project on El Camino Real).

**14. ADJOURNMENT:**

**Mayor Franzella** asked for a moment of silence for East Palo Alto **Police Officer Richard May** who was slain Saturday evening in the line-of-duty.

With no further business to transact, meeting was adjourned at 8:06 p.m., to the next regular City Council meeting of Tuesday, January 24, 2006, 7:00 p.m., at the Senior Center 1555 Crystal Springs Road.

Posted and mailed January 19, 2006